IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 569 OF 2004

GOMANTAK MAZDOOR SANGH A TRADE UNION,REP.BY GEN.SE ....Petitioner

Versus

THE REGIONAL PROVIDENT FUND COMMISSIONER-I & 2 ORS ....Respondent

Mr. E. Dias, Advocate for the petitioner.

Ms. W. Coutinho, Advocate for respondent No.2.

Coram:- D. D. SINHA, J.

Date:- 16th November, 2005

P.C.

Heard Mr. E. Dias, the learned Counsel for the petitioner. The writ petition is directed against the order dated 31.12.2002 passed by the Central Government Industrial Tribunal No.II, Mumbai whereby the action of the Regional Provident Fund Commissioner (I), Maharashtra and Goa Region, Bombay and the Regional Provident Fund Commissioner, Sub-Divisional Office, Panjim, Goa of imposing the puinishment of dismissal from service of the workman Shri G.S. Kabul was held to be harsh and disproportionate and the punishment of withholding of two increments with cumulative effect is imposed upon him instead of punishment of dismissal.

In the instant case, the petitioner was present throughout and contested the matter before the Tribunal and, therefore, this is not the case where the petitioner was not aware about the decision of the Tribunal dated 31.12.2002. Inspite of this fact, the petitioner did not take any steps to invoke the jurisdiction of this Court till today and, therefore, in my considered view, the petition suffers from delay and laches and,

therefore, cannot be entertained.

In the circumstances, the writ petition is dismissed on the ground of delay and laches.

D. D. SINHA, J.

ssm.